IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HEATHER D., a minor individual, by and : CIVIL ACTION

through her parents and natural guardians :

JUDY D. and JAMES D., and JAMES D., : NO. 01-770 individually and JUDY D. individually, : NO. 03-3852

Plaintiffs,

:

v. :

NORTHAMPTON AREA SCHOOL :

DISTRICT,

Defendant.

MEMORANDUM

BUCKWALTER, S. J. August 13, 2007

Plaintiff has filed a motion for counsel fees pursuant to this court's order of June 19, 2007, which permitted plaintiff, as prevailing parties, to petition for legal fees under IDEA.

Defendant has filed objections, a substantial part of which concerns claims for fees billed prior to the filing of the IDEA on June 27, 2003. Plaintiff in their reply brief, rather cursorily, states . . . "the items listed for the most part refer to all claims litigated and would be impossible to separate them. Regardless, . . . all of the work conducted by plaintiff's counsel and all claims filed on behalf of plaintiffs were related to the ultimate result obtained" (Plaintiff's Reply Brief at 5 and 6). This is not sufficient to deny defendant's requested deduction.

With regard to defendant's second substantive request for deduction relative to depositions of any other one than Dr. Lazar, Lori Nicholas and Cynthia Polka, it is not clear that defendant is entitled to this deduction substantially for the reasons in plaintiff's reply.

A third and fourth substantial reduction request by defendant is appropriate for reasons set forth by defendant relative to its motion to dismiss and later for summary judgment.

Finally, it seems equitable to also give some deduction for the settlement conference fees requested based upon defendant's reasoning and plaintiff's response, which is not exactly on point with the nature of defendant's request. The deductions will be granted as follows:

TOTAL		\$27,678
(d)	Settlement Conference	<u>4,000</u>
(c)	Summary Judgment	1,966
(b)	Motion to Dismiss	2,461
(a)	Prior Complaint	\$19,251

An order follows.

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DISTRICT,

Defendant. :

ORDER

AND NOW, this 13th day of August, 2007, it is hereby **ORDERED** that plaintiff's petition for counsel fees (Docket No. 78) is **GRANTED** as follows. Counsel is awarded:

Fees \$143,626.00

Costs <u>3,487.76</u>

TOTAL \$147,113.76

BY THE COURT:

s/ Ronald L. Buckwalter, S. J.

RONALD L. BUCKWALTER, S.J.